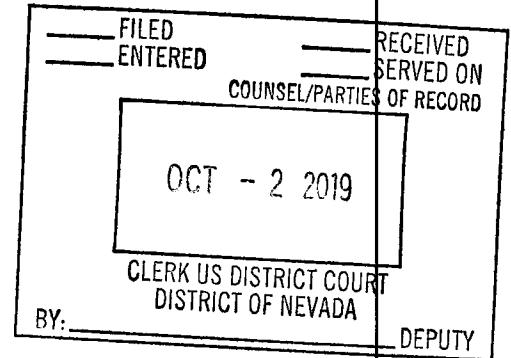


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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JAVIER REYES-ALAS,

14 Defendant.

Case No. 2:19-mj-00378-VCF

~~Stipulation~~ To Continue Preliminary
Hearing Date
(Third Request)

ORDER

15 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
16 Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States
17 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal
18 Public Defendant and Margaret W. Lambrose, Assistant Federal Public Defender,
19 counsel for JAVIER REYES-ALAS, ("Reyes"), that the preliminary hearing date in the
20 abovementioned case, which is currently scheduled for October 7, 2019, at 4:00 p.m., be
21 continued and reset to a date and time convenient to this Court, but for a period of not
22 less than thirty (30) days for the following reasons:

23 1. On or about May 24, 2019, Reyes appeared on the complaint and was
24 detained pending a preliminary hearing, which is currently scheduled for October 7,

1 2019. An ICE detainer has been filed against him because he is believed to be an alien,
2 that is a citizen of Honduras and not a United States citizen, who is unlawfully in the
3 United States.

4 2. The parties have agreed to continue the preliminary hearing date for at
5 least thirty days because the parties seem to have negotiated a pre-hearing agreed plea
6 resolution that will obviate the need for a preliminary hearing. Additional time is needed
7 to memorialize this agreement in writing, and provide defense counsel sufficient time to
8 review the plea agreement with the defendant. Failing the defendant's execution of the
9 written plea agreement, the defense will need additional time to complete any pre-hearing
10 investigation deemed necessary to properly prepare for the preliminary hearing.
11 Accordingly, the parties request that the preliminary hearing be continued and reset to a
12 date and time convenient to this Court, but for a period not less than thirty days.

13 3. The defendant is incarcerated and does not object to the continuance.

14 4. The parties agree to the continuance.

15 5. The additional time requested herein is not sought for purposes of delay,
16 but merely to allow the parties sufficient time to attempt to resolve this matter without
17 having to conduct a preliminary hearing. Additionally, denial of this request for
18 continuance could result in a miscarriage of justice, and the ends of justice served by
19 granting this request, outweigh the best interest of the public and the defendant in a
20 speedy preliminary hearing.

21 / / /

22 / / /

23 / / /

24 / / /

6. This is the third stipulation to continue the preliminary hearing filed herein.
DATED this 2nd day of October, 2019.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Margaret W. Lambrose
By _____
MARGARET W. LAMBROSE
Assistant Federal Public Defender

/s/ Kimberly M. Frayn
By _____
KIMBERLY M. FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 v.
6 JAVIER REYES-ALAS,
7 Defendant.

Case No. 2:19-mj-00378-VCF

**Findings Of Fact, Conclusions Of Law
And Order**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

11 1. On or about May 24, 2019, Reyes appeared on the complaint and was
12 detained pending a preliminary hearing, which is currently scheduled for October 7, 2019.
13 An ICE detainer has been filed against him because he is believed to be an alien, that is a
14 citizen of Honduras and not a United States citizen, who is unlawfully in the United
15 States.

16 2. The parties have agreed to continue the preliminary hearing date for at least
17 thirty days because the parties seem to have negotiated a pre-hearing agreed plea
18 resolution that will obviate the need for a preliminary hearing. Additional time is needed
19 to memorialize this agreement in writing, and provide defense counsel sufficient time to
20 review the plea agreement with the defendant. Failing the defendant's execution of the
21 written plea agreement, the defense will need additional time to complete any pre-hearing
22 investigation deemed necessary to properly prepare for the preliminary hearing.
23 Accordingly, the parties request that the preliminary hearing be continued and reset to a
24 date and time convenient to this Court, but for a period not less than thirty days.

1 3. The defendant is incarcerated and does not object to the continuance.

2 4. The parties agree to the continuance.

3 5. The additional time requested herein is not sought for purposes of delay, but
4 merely to allow the parties sufficient time to attempt to resolve this matter without having
5 to conduct a preliminary hearing. Additionally, denial of this request for continuance
6 could result in a miscarriage of justice, and the ends of justice served by granting this
7 request, outweigh the best interest of the public and the defendant in a speedy preliminary
8 hearing.

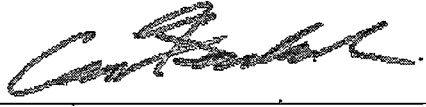
9 6. This is the third stipulation to continue the preliminary hearing filed herein.

10
11 **ORDER**

12 **THEREFORE, IT IS HEREBY ORDERED** that the preliminary hearing in the
13 above-captioned matter, currently scheduled for October 7, 2019, be vacated and
14 continued to a date and time convenient to this Court, that is on

15 November 8, 2019, at the hour of 4:00 a.m./p.m.

16
17 **SO ORDERED** this 2nd day of October, 2019.

18 
19 _____
20 **HONORABLE CAM FERENBACH**
21 United States Magistrate Judge
22
23
24